UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/69/L/KWT
25 April 2000

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Sixty-ninth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE STATE OF KUWAIT (CCPR/C/120/Add.1)

Adopted by the Human Rights Committee on 30 March 2000

GE.00-41637 (E)

List of issues to be taken up in connection with the consideration of the initial report of the State of Kuwait
(CCPR/C/120/Add.1)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Can Covenant rights, which under the Kuwaiti Constitution are part of the domestic law (report, para. 37), be invoked directly before the courts? If so, could any examples be given?

2. Is Kuwait reconsidering the declarations concerning article 2, paragraph 1, article 3 and article 23, paragraphs 2 and 3, and does it envisage withdrawing its reservation concerning article 25 (b) of the Covenant? If not, could any explanations be given?

3. What are the powers and functions of the Human Rights Committee of the Kuwaiti National Assembly (para. 185); how many recommendations has it made, and with what result? What are the powers and functions of the Human Rights Committee of the Ministry of the Interior?

Gender equality and nationality of children (arts. 3 and 23-26)

4. What legislative measures are envisaged to ensure women's full enjoyment of Covenant rights on an equal footing with men, in particular with regard to voting and standing for public elections (para. 306)? Please provide detailed statistics on the position of women in society, labour, administration, education, and in the universities.

5. Please explain the personal status of women regarding their right to inherit, to marry according to their free will, and at what age, to divorce, to obtain child custody and to transfer nationality to children. Do non-Muslim women enjoy the same rights in this regard as Muslim women? Please provide detailed information on the situation in the State party in law and in practice as regards the problems of repudiation, polygamy, crimes of honour, adultery and capacity to give testimony.

6. Do women have, in law and in fact, equal access to public service as men, and do they enjoy the right to equal pay for work of equal value in the public and the private sector? Please submit statistical information regarding the degree of participation of female employees in senior positions.

Principle of non-discrimination and protection of minorities (arts. 26 and 27)

7. Please comment on the legal and de facto situation of foreign workers in Kuwait. Are they protected under the labour law? Please comment on reports of pressure exercised by employers upon their foreign employees by means of retention of passports, and comment further on reports of abuse, including rape, of domestic servants. How are complaints investigated and what type of redress is available to victims, in view of their fear of deportation if they lodge complaints against their employers?

8. What measures exist or are envisaged to ensure that Bedoons (residents without documentation) enjoy all Covenant rights? What were the results of the work of the Central Committee to Settle the Situation of Bedoons established in 1993?

9. Since the report does not contain any information regarding article 27 of the Covenant, please inform the Committee about the ethnic, religious or linguistic minorities existing in Kuwait, and report on how the persons belonging to such minorities may enjoy their rights, together with other members of their community, as provided for in the Covenant.

10. Is the naturalization of non-Muslims, male or female, possible?

Right to life, protection from torture and degrading treatment (arts. 6 and 7)

11. What are considered capital crimes for which the death penalty may be imposed (para. 101)? Please give examples of cases in which the death penalty has been actually imposed and carried out.

12. Please comment on allegations that over 70 persons, whose whereabouts are still unknown, "disappeared" in 1991, after having been detained and accused of collaboration with Iraq.

13. Is corporal punishment still practised in Kuwait, be it as a criminal penalty or as a disciplinary measure in schools or prisons?

14. Is abortion prohibited, and are there any exceptions (paras. 84 and 85)?

15. Please comment on allegations of abuse and torture by members of the police and security forces of detainees under interrogation, especially of non-citizens? Is torture punished under all circumstances? Please provide information on the mechanisms by which such human rights violations are investigated and prosecuted.

Liberty and security of the person; treatment of prisoners (arts. 9 and 10)

16. Please explain in detail for what period of time a person arrested by the police may be held in police detention before an authorization for further detention is obtained from the competent judicial authority (paras. 161 and 162). When, and in what circumstances, is the arrested or detained person entitled to see a lawyer or a medical doctor and to establish contact with family members? How long may pre-trial detention last?

17. What mechanisms exist for prisoners to complain of inhuman treatment and to have those complaints investigated?

Right to a fair trial

18. Please describe how the judiciary and the judicial procedures as applied in the courts comply with all the provisions of article 14.

Freedom of religion (art. 18)

19. Please provide information on the possibility of converting from one religion to another, and elaborate on the legal consequences.

Freedom of expression and association (arts. 19, 22 and 25)

20. Please provide information on the application of penal and administrative sanctions imposed under Kuwaiti law, including Law No. 3 of 1961 on Printing and Publishing. Please comment also on the practice of licensing newspapers.

21. How can trade union rights be exercised in Kuwait? Are non-Kuwaitis excluded from membership in trade unions?

22. In which way may the citizens of Kuwait politically organize in view of the fact that no political parties exist (para. 261)?

Dissemination of information about the Covenant (art. 2)

23. Please indicate the steps taken to disseminate information on the submission of the report and its consideration by the Committee. Furthermore, please provide information on the education and training on the Covenant provided to government officials, schoolteachers, judges, lawyers and police officials.